

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Acquittal Appeal No. 126 of 2026

Appellant. : Rameez Hameed through Mr. Khaqan Baber
Advocate.

Respondents : Nemo for the Respondents.

Date of hearing 05.3.2026.

Date of order : 05.03.2026.

ORDER.

TASNEEM SULTANA, J.— Through this Criminal Acquittal Appeal under Section 417(2) Cr.P.C., the appellant/complainant Rameez Hameed has assailed the order dated 21.01.2026 passed by the learned Civil Judge & Judicial Magistrate-I, Karachi East, whereby respondent No.2 was acquitted under Section 249-A Cr.P.C., arising out of FIR No.369/2025 registered at Police Station New Town, Karachi (East), for offences punishable under Sections 420, 468 and 471, P.P.C.

2. Brief facts of prosecution case are that the complainant Rameez Hameed stated that his father Abdul Hameed died on 17.02.2022 and after his death certain assets belonging to the deceased, including immovable property as well as vehicle Toyota Prado bearing registration No. BM-4500, engine No. 2TR129576 and chassis No. TRJ150-0034139, were allegedly transferred by the accused persons in connivance with each other. The accused persons are alleged to have prepared and used forged and fabricated documents showing transfer of the property in their favour by affixing forged signatures of the deceased. It is further alleged that Fahad Mubarak, along with Abdul Moiz and Yasmeen, got the said vehicle transferred in his name on the basis of such forged signatures, and thereafter the same was again transferred in the name of Zohaib, while similar transactions were affected within the same period through illegal means. It is also alleged that the accused persons, including family members of the complainant, were involved in such transfers through false and bogus means, and in this regard another FIR was also registered at Police Station Mazang, Lahore; hence, legal action was sought against the accused persons.

3. Learned counsel for the appellant contended that the impugned order has been passed in a cursory and mechanical manner without proper appreciation of the material available on record; that the allegations relate to forgery of documents and preparation and use of the vehicle after the death of recorded owner could not have been decided at a preliminary stage; that the learned trial Court failed to

appreciate that such allegations require thorough probe through evidence; that sufficient material was available on record to proceed against the respondents, and that the complainant has consistently pursued the matter through different proceedings, which shows that the allegations are genuine and not baseless. He, therefore, prayed for setting aside of the impugned order and remand of the matter to the trial Court for decision in accordance with law.

4. Conversely, learned DPG, contended that the entire case of the prosecution is based upon vague and unsupported allegations; that no independent or tangible material has been brought on record connecting the respondents with the alleged forgery or fraudulent transfers; that the complainant has been initiating multiple proceedings in respect of the same subject matter, which itself reflects uncertainty and lack of concrete evidence; that no document was verified through any competent forum nor any material was produced to prima facie establish involvement of the respondents; and that the learned trial Court, after examining the available material, rightly exercised jurisdiction under Section 249-A Cr.P.C. and formed a justified opinion that continuation of trial would not result in conviction and prayed for dismissal of the appeal.

5. Heard; record perused.

6. It is settled that while exercising jurisdiction under Section 249-A Cr.P.C., the Court is to examine whether the charge is groundless or whether, even if the prosecution case is accepted at its face value, no offence is made out or there is no probability of conviction. Such jurisdiction can be exercised at any stage where continuation of trial would amount to abuse of process of law.

7. In the present case, the allegations relate to execution of transfer documents allegedly bearing forged signatures of a deceased person and subsequent transfer of property as well as vehicle **Toyota Prado bearing registration No. BM-4500** of the deceased. However, the material placed before the learned trial Court was confined to the version set out in the FIR along with complaint and affidavit of the complainant. The record does not reflect availability of any independent or supporting material substantiate the allegation of forgery, no document was shown to have been verified through any competent authority nor does the record disclose any material connecting the respondents with the preparation or use of the alleged forged documents.

8. It is also pertinent to note that the learned trial Court has observed that prior to the present case, FIR No.696/2025 registered at Police Station Quaid-e-Azam Industrial Area, Lahore and FIR No.2082/2025 registered at Police Station Mazang, Lahore, had already been lodged in respect of the same allegations relating to forged documents and transfer of the same vehicle Toyota Prado bearing registration No. BM-4500. The learned trial Court further relied upon the principle laid down in ***Mst. Sughran Bibi v. The State (PLD 2018 SC 595)***, wherein it has

been held that registration of multiple FIRs for a single occurrence is not permissible and that all versions are to be investigated within the framework of the original case.

9. The scope of appeal against acquittal is very limited. Once an accused has been acquitted by the trial Court, he enjoys a double presumption of innocence: firstly, the presumption attached to every accused that he is innocent until proven guilty; and secondly, the reinforcement of that presumption by virtue of the acquittal recorded in his favour by a competent Court. Interference in such acquittal is warranted only where the impugned order \ judgment is shown to be arbitrary, capricious, perverse or suffering from misreading or non-reading of material evidence. In the instant case, no such infirmity has been pointed out. The impugned order appears to be based on sound reasons and is firmly anchored in the material available on record; therefore, no ground is made out to disturb the acquittal. Reliance is placed upon ***Muhammad Riaz v. Khurram Shehzad and another (2024 SCMR 51)***, wherein the Honourable Supreme Court has held as under:

“10. It is a well-settled exposition of law that in an appeal against acquittal, the Court would not ordinarily interfere and would instead give due weight and consideration to the findings of the Court acquitting the accused which carries a double presumption of innocence, i.e. the initial presumption that an accused is innocent until found guilty, which is then fortified by a second presumption once the Court below confirms the assumption of innocence, which cannot be displaced lightly.”

10. Applying the above settled principles to the facts and circumstances of the present case, the view taken by the learned trial Court is a plausible and legally sustainable view arising from the material available on record. The impugned judgment does not suffer from any illegality, perversity or misreading/non-reading of evidence warranting interference by this Court in exercise of appellate jurisdiction. Consequently, the instant Criminal Acquittal Appeal is dismissed. The impugned order dated 21.01.2026 passed by the learned Civil Judge & Judicial Magistrate-I, Karachi East, acquitting the respondent/accused, is hereby maintained.

11. These are the reasons for my short order dated **05.03.2026** whereby the instant criminal acquittal appeal was dismissed.

JUDGE